



PATENT
Attorney Docket 045636-5052-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Philippe Roch et al.**)
)
Application No. 10/030,231) Art Unit: 1645
)
Filed: **June 20, 2002**) Examiner: **Minnifield, N.**
)
For: **Antimicrobial Peptides Derived From**)
Mollusks)

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated August 16, 2004 of the Examiner finally rejecting claims 1, 3, 17 and 18.

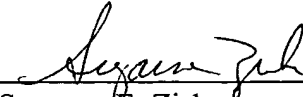
The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a two-month extension of time, from November 16, 2004 to January 16, 2005, the fee for which is \$450.00 as set forth in 37 C.F.R. § 1.17(a)-(d).

The Commissioner is hereby authorized to charge **\$950.00** to Deposit Account No. 50-0310 for payment of the two-month extension of time fee (\$450.00) and the Notice of Appeal fee (\$500.00) as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **January 18, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


Suzanne E. Ziska
Registration No. 43,371

01/21/2005 HGUETHA1 00000050 10030231

01 FC:1401 500.00 DA

01/21/2005 HGUETHA1 00000050 10030231

02 FC:1252 450.00 DA



TLW
AFB

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Philippe Roch *et al.***)

Application No. **10/030,231**)

Filed: **June 20, 2002**)

For: **Antimicrobial Peptides Derived From Mollusks**)

Art Unit: **1645**

Examiner: **Minnifield, N.**

U.S. Patent and Trademark Office
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Randolph Building
Alexandria, VA 22314

TRANSMITTAL FORM

- Supplemental to the Amendment and Reply Under 37 C.F.R. § 1.116 filed November 16, 2004, transmitted herewith is a Notice of Appeal further in response to the Final Office Action dated August 16, 2004.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a two-month extension of time from November 16, 2004 to January 16, 2005, the fee for which is \$450.00 as set out in 37 C.F.R. § 1.17(a). If an additional extension of time is required, please consider this a Petition therefor. This request is being filed under the next business day rule on Tuesday, January 18, 2005 as the due date for responding fell on a Sunday (January 16, 2005) and Monday (January 17, 2005) was a Federal Holiday.
- Fee Calculation (37 C.F.R. § 1.16):

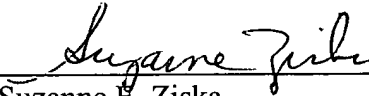
CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	3	minus	20	0	\$50.00 each=	0.00
Independent Claims	2	minus	3	0	\$200.00 each=	0.00
First presentation of Multiple Dependent Claim					\$360.00	00.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						0.00

- Fee Payment: The Commissioner is hereby authorized to charge **\$950.00** to Deposit Account No. 50-0310 for payment of the two-month extension of time fee (\$450.00) and the Notice of Appeal Fee (\$500.00).

5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 0-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **January 18, 2005**
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Respectfully submitted,
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